

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SIX**

RENTAL UNIFORM SERVICE, INC.
d/b/a *rus* OF MORGANTOWN¹

Employer

and

Case 6-RC-11681

TEAMSTERS LOCAL UNION NO. 175
a/w INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, AFL-CIO

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before Julie R. Stern, a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to the undersigned Acting Regional Director.²

Upon the entire record in this case³, the Acting Regional Director finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

¹ The name of the Employer appears as amended at the hearing.

² Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by June 18, 1999.

³ The Employer and the Petitioner filed timely briefs in this matter which have been duly considered by the undersigned. Subsequent to the due date for filing briefs, the Employer transmitted an additional case citation without further argument which has also been duly considered by the undersigned inasmuch as it did not delay the issuance of the Decision and Direction of Election in the instant case.

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

3. The labor organization involved claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

As amended at the hearing, the Petitioner seeks to represent a unit consisting of all full-time and regular part-time service representatives employed by the Employer at its Morgantown, West Virginia, facility, herein called the Morgantown facility; excluding office clerical employees, laundry workers and guards, professional employees and supervisors as defined in the Act.

The Employer contends that the petitioned-for unit is too narrow in scope and that the only appropriate unit is a unit which is coextensive with its Morgantown regional operation and which encompasses its Morgantown facility and its facilities located in Charleston, West Virginia (herein the Charleston substation) and Pittsburgh, Pennsylvania (herein the Pittsburgh substation). In addition, with respect to the composition of the unit, the Petitioner, contrary to the Employer, would exclude shuttle drivers and route jumpers on the ground that they lack a community of interest with the petitioned-for employees.

There are approximately 25 employees in the petitioned-for unit, and 51 employees in the unit that the Employer contends is appropriate. At the close of the hearing in the instant case, the Petitioner indicated that it is willing to proceed to an election in a unit which is broader in scope than the unit it seeks in the petition. There is no history of collective-bargaining for the employees at issue at any of the three above-listed Employer facilities.

Scope of the Unit

Rental Uniform Service, Inc., (herein RUSI) a Virginia corporation, is engaged in the business of providing commercial laundry and uniform services to other business entities. RUSI

operates twenty-four textile laundry or processing centers located throughout the United States, one of which is "rus of Morgantown," the Employer herein.

Each of the processing centers is assigned its own territory in which to solicit and serve customers, and some of the processing centers have one or more "substations" within the territory to support the processing center.⁴ One of the processing centers is the Morgantown facility which is the subject of the instant petition. Two substations, Charleston and Pittsburgh, support the Morgantown operation. The Charleston substation is located approximately 165 miles from Morgantown to the southwest, while the Pittsburgh substation is located approximately 85 miles from Morgantown to the north.

Each processing center is functionally autonomous from the other processing centers, with each center having its own customer base and maintaining its own computer records, including account and billing records, for both the center itself and any substation within its territory.⁵ Substations are not self-contained economic units but rather are wholly operationally dependent upon the central processing center. In this regard, the record reveals that there is a substantial degree of centralized administrative and operational control at the three facilities at issue. Morgantown and its two substation facilities are linked by computers, and all billing, account functions and purchasing for the facilities are performed at Morgantown. Payroll records for employees at the Pittsburgh and Charleston substations are transmitted to Morgantown for processing, and all employee paychecks are issued from Morgantown. The three locations at issue are all part of the same financial statement/report which goes to the corporation. The employee personnel files as well as the corporate and financial records for all three facilities are kept at Morgantown. Random customer service surveys are sent to customers serviced by the routes originating out of Morgantown, Pittsburgh and Charleston.

⁴ There are 41 substations throughout the country.

⁵ The record does not reveal whether any other processing center has a history of collective-bargaining.

The Morgantown facility is the original Employer location at issue. The record indicates that the Charleston substation opened in 1985, while the Pittsburgh substation began operating in 1994. When the Pittsburgh and Charleston substations opened, the record indicates that customer accounts and routes were transferred from Morgantown to Pittsburgh or Charleston, respectively, when the routes grew too large or geographically distant to be handled out of the Morgantown processing center. The record indicates that route stops are sometimes transferred between Morgantown and Pittsburgh, depending on the sales volume, however, the record does not indicate the frequency with which this occurs.⁶

The Employer delivers clean products to its customers on a daily basis and picks up soiled products and brings them back to Morgantown to be laundered and repaired or altered, if necessary. There are three route jumpers, two or three shuttle drivers⁷ and 25 service representatives employed by the Employer at the Morgantown facility. Fourteen service representatives and one route jumper work at the Charleston substation while six service representatives are employed at the Pittsburgh substation. There are no shuttle drivers employed at either of the substations at issue in the instant case and no route jumpers are employed at Pittsburgh.⁸

The Employer's operations at the Morgantown facility and the Pittsburgh and Charleston substations come under the overall supervision of Employer Mid-Atlantic Division Manager James Warren McNemar, Jr. Reporting to McNemar is a general manager, located at Morgantown, who supervises the Morgantown processing center and the two substations at

⁶ The record disclosed that the Employer does not transfer routes between processing centers.

⁷ The three Morgantown route jumpers are Don Calvert, Keith Thompson and Robert Lee Teets, Jr. The record is unclear whether there are two or three shuttle drivers at Morgantown.

⁸ There is one custodian employed at each of the substations at issue. One route builder works at the Morgantown facility and at each of the substations, and their duties are to pull the work orders and miscellaneous product items for the service representatives for the following day's routes. Neither party contends that the route builders or custodians should be included in the unit found appropriate in the instant case. The record is silent with respect to the wages and working conditions of these classifications.

issue. At the time of the hearing in the instant case, the general manager position was vacant, and McNemar was temporarily performing those duties. Reporting to the general manager is the Morgantown service manager who supervises the Pittsburgh and Charleston service center managers.⁹ There are four service supervisor positions at the Morgantown facility, one at the Pittsburgh substation and one at the Charleston substation.¹⁰ The service supervisors report to the service center managers, and the service supervisors are responsible for the day to day management of the service representatives.

The Employees at issue work a four day workweek, from Monday through Thursday, however the record does not reveal their hours of work. The route jumpers and shuttle drivers are paid a weekly salary, while the service representatives are paid by commission based on the sales volume of their respective routes. The record does not indicate the dollar amount of these salaries or commissions. All of the employees at issue share the same fringe benefits package.

The record indicates that the position of route jumper is often the entry level position leading to the position of service representative. On average, an individual works as a route jumper for three to four months before moving into a service representative position, if one is vacant. The service supervisors assign the route jumpers to work on a route with a service representative out of their respective substations on a daily basis. However, not all of the routes are assigned a route jumper each workday. While the routes worked by the service representatives remain generally constant, the route jumpers may work different routes each day or week depending on where they are needed. Route jumpers also fill in for service

⁹ There are no service managers at the Pittsburgh or Charleston substations. Samuel Wayne Jimmie is the service center manager at the Morgantown facility, while Jackie Dean Abshire holds this position at the Charleston substation. The service center manager in the Pittsburgh substation is Douglas Owen Pratt.

¹⁰ The sole position of service supervisor in the Pittsburgh substation and one of the four at Morgantown were vacant at the time of the hearing. The record does not list the names of the service supervisors at each of the three locations at issue.

representatives when they are absent from work for vacation or other reasons. On those occasions, the route jumpers perform the same duties as the service representative; however, the route jumpers do not receive any additional compensation or sales commission. Route jumpers receive the same periodic training as service representatives.

The service representatives are responsible for delivering clean products to their customers and picking up soiled products for laundering. Service representatives have sales quotas which they are expected to meet and they are paid incentives and bonuses based on their sales volume. Although service representatives drive trucks on their routes, at the time of the hearing in the instant case, they were not required to hold a commercial driver's license (CDL).¹¹ The trucks are serviced by the mechanic at the Morgantown processing center. The record discloses that trucks have been exchanged between the Pittsburgh and the Morgantown and Charleston locations in the past, but the record does not indicate the frequency or the duration of these exchanges.

The shuttle drivers at issue drive eighteen wheel tractor trailers each workday from the Morgantown facility to the Pittsburgh and Charleston substations respectively. Shuttle drivers are supervised by the Morgantown service manager. Shuttle drivers are responsible for loading the clean products into the trucks in Morgantown and checking the product against customer orders to ensure accuracy. The shuttle drivers take the clean products to the substations and deliver them to the service representatives and/or route jumpers. The shuttle drivers then load soiled products at the substations and bring them back to Morgantown for laundering. It does not appear from the record that shuttle drivers have any direct contact with the customers of the service representatives. Shuttle drivers are required to hold a CDL.

The record is devoid of any evidence to indicate that the shuttle drivers stay away from Morgantown overnight on their routes or that they are paid on a mileage or per trip basis. The

¹¹ The record does not indicate the type of trucks used by the service representatives; however, the Employer's brief indicates that they drive vans.

record does not disclose whether or not shuttle drivers are required to keep daily logs or are subject to governmental regulations that are imposed on over-the-road truck drivers. In the past, a service representative with a CDL filled in for the shuttle drivers when they were absent from work; however, none of the service representatives currently employed by the Employer holds a CDL. The record is silent with respect to who currently fills in for the shuttle drivers when they are absent.

As previously indicated, all laundering and other related services take place at Morgantown and not at the substations. The substations are, for the most part, "pick up" and "drop off" points for the garments. It is the Morgantown processing center that takes product orders, assigns routes, launders, cleans and presses the garments, and sorts the clean products for delivery to customers. When a service representative receives an order for new uniforms or other products, the order is sent to Morgantown, which is responsible for obtaining the item and shipping it out. Service representatives assigned to Morgantown report to that location each day to pick up the cleaned garments for delivery and to drop off soiled products for processing. Service representatives assigned to both Pittsburgh and Charleston report to their respective substation to pick up cleaned garments transported to the substation by the Morgantown shuttle drivers for delivery to customers and to drop off soiled garments which are then transported to Morgantown by the shuttle drivers for processing.

Job openings at all of the locations at issue are advertised and open for bid among all of the employees at the three facilities. Employees have transferred among these three facilities without any loss of company seniority and benefits. The employees at the three facilities are invited to attend the same summer picnic, drivers' rodeo and Christmas party in Morgantown. The service representatives from all three facilities are also eligible for the same sales contests and performance awards, and all employees are invited to attend the annual awards banquet. The performance bonuses of the supervisory personnel at the substations is based on the combined profits of all three of the locations at issue in the instant case. Service

representatives from Charleston and Pittsburgh have traveled to Morgantown once during recent years for training.

Employees at the Morgantown facility and the two substations are covered by the same labor relations policies and procedures, which are administered out of Morgantown by Employer Manager of Human Resources Edward Raymond Johnson. Employees at all three locations at issue share the same employee handbook.

The record indicates that all prospective candidates for positions at any of the three facilities are interviewed by a process known as "target selection" which involves a team of three interviewers from management. Regardless of which of the three facilities has the vacancy to be filled, a minimum of one of the three interviewers is always a manager from Morgantown. A consensus among the three interviewers is required before a candidate is hired. Other than minimal disciplinary actions, no discipline of employees, including termination, is implemented without the approval of a manager from Morgantown. The record is silent with respect to whether or not the manager from Morgantown conducts an independent investigation of the alleged misconduct or whether the substation manager makes any recommendations regarding the discipline of the employees. The record is devoid of any evidence to indicate who completes employee evaluations, if any, and who has the authority to recommend and/or grant employee wage increases.

With respect to employee interchange, the record indicates that there is interchange among service representatives from Pittsburgh and Morgantown on a temporary basis as needed. There does not appear to be any interchange among service representatives between Morgantown and Charleston or Pittsburgh and Charleston, except on rare emergency occasions. Route jumpers from Morgantown have been assigned to Pittsburgh to temporarily fill in on routes on a weekly basis, but the record does not disclose the number of route jumpers involved or otherwise describe the frequency of these substitutions. When these substitutions are needed, the service center manager from Pittsburgh telephones his counterpart in Morgantown to request the route jumper(s), and the Morgantown service center manager

makes the assignments. As noted, no route jumpers have been taken from Morgantown to temporarily substitute for service representatives at Charleston. The record reveals that in the recent past few years Ken Robertson started out as a service representative in Morgantown, and was then promoted to a supervisor in Pittsburgh. John Robinson started out in Morgantown and was then promoted to a service representative position in Pittsburgh, then relocated to Morgantown as a route jumper, and is currently a service representative in Morgantown. Bobby Teets started in Morgantown as a route jumper, was promoted to a service representative in Pittsburgh, and then relocated back to Morgantown as a route jumper. Keith Hosbach started as a supervisor in Charleston, and relocated to Morgantown as a service representative.

In addition, there continue to be numerous instances where employees from one location will assist with the workload at another location. The record reveals that this happens at least weekly. For example, John Talbert, a route jumper in Morgantown, has covered vacation routes in Pittsburgh on several occasions. Keith Thompson, also a route jumper in Morgantown, has substituted in Pittsburgh for vacationing service representatives. He also covered a Pittsburgh route for about one-and-a-half months while it was vacant. Jason Gooding, a supervisor in Morgantown, covered a route out of Pittsburgh.

The record further establishes that the Employer will often make a determination that a route should be diverted from Morgantown to one of the two substations. When this happens, the service representative from Morgantown who has been working the route will have the option to continue working the route until another route in Morgantown becomes available. Finally, although most day-to-day interchange between facilities occurs between Morgantown and Pittsburgh, the record is clear that in emergency situations Morgantown will send route jumpers or supervisors to Charleston to help out. Additionally, although there are currently no service representatives in Charleston who have worked on a day-to-day basis in Morgantown, there is general testimony in the record that this has occurred in the past and that it is likely to continue to occur. Indeed, the record reveals that Charleston has recently requested and will be utilizing some relief help from Morgantown to assist in running service routes.

It is well established that, when considering a multifacility operation, a single facility unit is presumptively appropriate for collective bargaining. This presumption may be overcome by a showing of functional integration so substantial as to negate the separate identity of the single facility unit. Courier Dispatch Group, 311 NLRB 728, 731 (1993), citing Dayton Transport Corp., 270 NLRB 1114 (1984).

In J & L Plate, Inc., 310 NLRB 429 (1993), the Board stated the test for determining the appropriateness of a unit consisting of a single plant of a multi-location employer. To determine whether the presumption of appropriateness has been rebutted, the Board examines such factors as central control over daily operations and labor relations, including the extent of local autonomy; similarity of skills, functions, and working conditions; degree of employee interchange; geographic distance between locations; and bargaining history, if any. Esco Corp., 298 NLRB 837, 839 (1990), and cases cited therein.

Applying these criteria to the instant case, I find that, based on the highly integrated nature of the Employer's Morgantown processing center and the Pittsburgh and Charleston substations, as described herein, the presumptive appropriateness of a single facility unit has been rebutted and that only a unit consisting of employees at all three facilities is appropriate. In so finding, I note the highly centralized administrative and labor relations functions originating from the Morgantown processing center. All billing, accounting, financial operations and payroll functions are performed out of Morgantown. Indeed, all hiring, firing and discipline decisions must be approved and/or implemented by a manager in Morgantown, and the local supervisors have little authority in this regard.

The employees involved in the instant case perform substantially the same work at each of the three locations at issue and they utilize the same type of skills. Further, the record amply establishes that the employees at all three locations share the same basic terms and conditions of employment, including fringe benefits and hours of work.

The record also establishes that there is daily product interchange between Morgantown and the two substations, with soiled products being replenished with clean ones from the

Morgantown facility each day. Trucks are exchanged between the Morgantown processing center and both of the substations at issue. There is daily contact between the Morgantown shuttle drivers and the service representatives and route jumpers at the substations. I further note that route jumpers from Morgantown have been assigned to substitute for service representatives at the Pittsburgh substation. While there does not appear to be regular substitution between Morgantown/Pittsburgh employees and Charleston employees, I do not find this controlling in light of the many other factors which warrant a unit consisting of all three locations. See Dayton Transport Corp., supra; Eastman Interiors Inc., 273 NLRB 610 (1984).

While the substations are separated from the Morgantown processing center by approximately 85 and 165 miles respectively, the geographical distances between the locations at issue are insufficient to preclude a finding that a unit consisting of all three locations is the appropriate unit.¹²

Therefore, based on the above and the record as a whole, I find that the single location petitioned-for unit is inappropriate, and that the smallest appropriate unit must consist of the employees at the Morgantown processing center and the Pittsburgh and Charleston substations. In this regard, the record clearly establishes that a strong "symbiotic relationship" exists between the Morgantown processing center and the two substations.¹³ The facilities are closely integrated with each other functionally and effectively operate as a single unit. Thus, it is clear that, despite being physically separate from each other, the employees at each facility constitute integral and indispensable parts of a single order flow process sufficient to negate the single facility presumption. E.g. Neodata Product/Distribution, Inc., supra; Dayton Transport Corp., supra; Capitol Coors Co., supra.

Composition of the Unit

¹² See Capital Coors Co., 309 NLRB 322, 325 (1992).

¹³ See Neodata Product/Distribution, Inc., 312 NLRB 987 (1993).

As indicated herein, the Petitioner, contrary to the Employer, would exclude the route jumpers and the shuttle drivers on the basis that they do not share a sufficient community of interest with other employees in the unit found appropriate herein.

Contrary to the assertions of the Petitioner, I find that the route jumpers share a sufficient community of interest to warrant their inclusion in the unit. In this regard, I note that the position of route jumper is often the entry level job leading to the service representative position. On a daily basis the route jumpers either accompany service representatives on their routes or substitute for them; thus route jumpers perform essentially the same job duties as service representatives.

While route jumpers receive a weekly salary versus the sales commission paid to the service representatives, I find that this factor alone is insufficient to warrant the exclusion of the route jumpers from the unit.¹⁴ I therefore find that the route jumpers share a sufficient community of interest to be included in the unit found appropriate herein.

I further find that the shuttle drivers share a sufficient community of interest with the route jumpers and service representatives to be included in the unit. In this regard, I note that the shuttle drivers deliver the clean products to the service representatives and route jumpers at the substations on a daily basis. They also take the soiled products collected by the service representatives and/or route jumpers from the substations back to the Morgantown processing center for laundering. Shuttle drivers share the same benefits as other employees at issue and they are subject to the same Employer work rules and policies.

While shuttle drivers operate a different type of vehicle from the service representatives/route jumpers, this factor is not determinative where they do not travel lengthy distances beyond the substations or stay overnight.¹⁵ Thus, I view the shuttle drivers as more

¹⁴ Capitol Coors Co., supra, 309 NLRB at 323-325.

¹⁵ See Transerv Systems, 311 NLRB 766 (1993), and Carpenter Trucking, 266 NLRB 907, 908 (1983).

akin to local truck drivers rather than to traditional over-the-road drivers, and I shall include them in the unit found appropriate herein.

Accordingly, I find that the following employees of the Employer constitute a unit appropriate for the purposes of collective-bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time service representatives, route jumpers and shuttle drivers employed by the Employer at its Morgantown and Charleston, West Virginia, and Pittsburgh, Pennsylvania facilities; excluding office clerical employees, laundry workers and guards, professional employees and supervisors as defined in the Act.¹⁶

DIRECTION OF ELECTION

An election by secret ballot will be conducted by the Regional Director among the employees in the unit set forth above at the time and place set forth in the Notice of Election to be issued subsequently, subject to the Board's Rules and Regulations.¹⁷ Eligible to vote are those employees in the unit who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were ill, on vacation or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period and employees engaged in a strike who have been discharged for cause since the

¹⁶ Inasmuch as I have included additional employees in the unit, and the voting group is broader in scope than the unit requested in the Petitioner's petition, and inasmuch as the Petitioner had indicated a willingness to proceed to an election in a broader unit, the Petitioner is granted ten (10) days to submit an additional showing of interest. Should the Petitioner not wish to proceed to an election in the broader unit, it will be permitted, upon request, to withdraw its petition without prejudice.

¹⁷ Pursuant to Section I03.20 of the Board's Rules and Regulations, official Notices of Election shall be posted by the Employer in conspicuous places at least 3 full working days prior to 12:01 a.m. of the day of the election. As soon as the election arrangements are finalized, the Employer will be informed when the Notices must be posted in order to comply with the posting requirement. Failure to post the Election Notices as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.¹⁸ Those eligible shall vote whether or not they desire to be represented for collective bargaining by Teamsters Local Union No. 175 a/w International Brotherhood of Teamsters, AFL-CIO.

Dated at Pittsburgh, Pennsylvania, this 4th day of June 1999.

/s/Stanley R. Zawatski

Stanley R. Zawatski
Acting Regional Director, Region Six

NATIONAL LABOR RELATIONS BOARD
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¹⁸ In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. Excelsior Underwear, Inc. 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Company, 394 U.S. 759 (1969). Accordingly, it is hereby directed that the election eligibility list, containing the full names and addresses of all eligible voters, must be filed by the Employer with the Regional Director within seven (7) days of the date of this Decision and Direction of Election. The Regional Director shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional Office, Room 1501, 1000 Liberty Avenue, Pittsburgh, PA 15222, on or before June 11, 1999. No extension of time to file this list may be granted, except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.